

United States Department of the Interior



OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
Casper Area Office
PO Box 11018
150 East B Street, Room 1018
Casper, WY 82602



Approval of Limited Emergency Response

August 5, 2022

Ms. Zanna Brinkman, Director
Reclamation & AML Divisions
North Dakota Public Service Commission
600 E. Boulevard Ave., Dept. 408
Bismarck, ND 58505-0480

Dear Ms. Brinkman:

The Office of Surface Mining Reclamation & Enforcement (OSMRE) has received the request for an ATP and associated documentation for the 2022 Wilton Emergency Sinkhole AML Project.

OSMRE concurs that this project meets the definition of an emergency under 30 CFR 700.5 and our emergency program guidelines. Emergency AML projects are not exempt from NEPA review and receipt of all required environmental documentation is required prior to issuance of an ATP. Therefore, a limited emergency response is authorized to mitigate harm to human life, property, or important natural, cultural, or historic resources (43 CFR 46.150), prior to completion of a NEPA review. The probable environmental consequences of any action must be considered and mitigated to the extent practical (43 CFR 46.150(a)).

Accordingly, pursuant to 30 CFR 886.16, you are approved to proceed with a limited emergency response and expend federal funds in accordance with AML grant terms and conditions.

Sincerely,

Acting for
Jeffrey Fleischman, Chief
Denver Field Division

FINDING OF FACT/DECLARATION OF EMERGENCY

Project Name: 2022 Wilton Sinkhole Emergency AML Project

PAD#: ND000001

Location: T142N R79W Sec 6, Approximately 130 feet north of the Hwy 36 centerline and approximately 310 feet east of the existing field approach, near Wilton, Burleigh County, ND.

Request for Emergency Declaration

On August 5, 2022, the North Dakota AML Division (AMLD) sent an e-mail to the Office of Surface Mining Reclamation and Enforcement (OSMRE) Casper Area Office (CAO), identifying an emergency sinkhole near Wilton, ND. AMLD requested an Authorization to Proceed (ATP).

Eligibility for Emergency Declaration

For an AML problem to be declared an emergency, it must have been a sudden event, with a high probability of substantial physical harm to the health, safety, or general welfare of people, and the problem must require abatement in a timeframe not possible under normal state program procedures.

A large sinkhole appeared within 130 feet of the center line of Highway 36, near Wilton. The hole is approximately 4 ft by 5 ft at the surface and 15 to 20 ft deep. A BEK telecommunications line and a small diameter water line were exposed by the collapse. Immediate action is required to prevent damage to these utilities, and due to the proximity of the hole to Hwy 36.

Project Proposal/Scope of Work

Proposed actions include erection of a fence to prevent people and livestock from falling into the hole. Abatement actions include removal of all available topsoil around the sinkhole, excavation of the hole with an excavator, taking care to protect the exposed utilities, regrading the area to establish drainage, and topsoiling and seeding with native grass species.

Project Cost

Costs for the emergency portion of this project are estimated at \$3,000. An additional \$2,000 of non-emergency work is estimated adjacent to the emergency sinkhole.

NEPA Compliance

A Categorical Exclusion Determination form has been submitted and signed by an authorized state representative. Approval of the Categorical Exclusion is pending submittal of all required consultation letters.

AML Eligibility

An AML eligibility determination letter has been submitted, signed by legal counsel.

e-AMLIS

This project has been entered into e-AMLIS under PAD# ND000001 (Wilton).

Declaration of Emergency

I declare that this project meets emergency criteria as defined by 30CFR700.5 and hereby recommend emergency action.

OSMRE Environmental Reviewer:

John Sieving, Physical Scientist
Casper Area Office

Date

Approver:

Acting for

Jeffrey Fleischman, Chief
Denver Field Division

Date